JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:
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Mr MC Berkman MP
Mr RD Field MP
Ms ND Marr MP
Hon. MAJ Scanlon MP
Hon. D Farmer MP

Staff present:
Ms F Denny—Committee Secretary
Ms K Longworth—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE MAKING QUEENSLAND SAFER (ADULT CRIME, ADULT TIME) AMENDMENT BILL

TRANSCRIPT OF PROCEEDINGS

Monday, 28 April 2025

Brisbane

MONDAY, 28 APRIL 2025

The committee met at 10.24 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025. My name is Marty Hunt, member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. With me here today are: Di Farmer MP, the member for Bulimba, who is substituting for the deputy chair, Peter Russo MP, the member for Toohey; Russell Field MP, the member for Capalaba; Natalie Marr MP, the member for Thuringowa; Michael Berkman MP, the member for Maiwar; and the Hon. Meaghan Scanlon MP, the member for Gaven, who is substituting for Melissa McMahon MP, the member for Macalister.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee.

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DRANE, Mr Michael, Deputy Director-General, Youth Justice Services, Department of Youth Justice and Victim Support

GEE, Mr Robert APM, Director-General, Department of Youth Justice and Victim Support

CHAIR: Would you like to make an opening statement before we proceed to questions.

Mr Gee: I acknowledge the committee and the important work each member does on the committee. I also acknowledge the traditional owners of the land on which we meet today.

The Making Queensland Safer Laws introduced the first tranche of the Adult Crime, Adult Time sentencing scheme. Those provisions, as the committee well knows, commenced on 13 December and make children liable to the same penalties as adults for 13 specified offences. Following the introduction of these laws, the government announced the appointment of the Expert Legal Panel to advise on further offences to be added to the Adult Crime, Adult Time regime. The bill before the committee introduces a second tranche of Adult Crime, Adult Time offences by adding 20 new offences to section 175A, including three where only certain aggravated forms of the offences are prescribed. They include sexual offences, violent offences and offences that cause fear in the community.

The bill will enable courts to impose adult-level consequences for the new offences in exactly the same way as the previous tranche of Adult Crime, Adult Time offences. Courts, importantly, will still have full sentencing discretion and be required to impose a penalty proportionate to the seriousness of the offence but against a higher benchmark range. In other words, the effect of the amendments is to raise the penalties for these offences right across the spectrum of seriousness.

Maximum penalties have been explained by the High Court consistently. In Hurt v The King, justices found that maximum sentences inform the sentencing process by conveying the parliament's view of the relative seriousness of the offence. In the 2005 key case of Markarian v The Queen the majority further explained—

> … careful attention to maximum penalties will almost always be required, first because the legislature has legislated for them; secondly, because they invite comparison between the worst possible case and the case before the court at the time; and thirdly, because in that regard they do provide, taken and balanced with all of the other relevant factors, a yardstick.

The new offences will be subject to the same human rights override included in section 175A as inserted by the Making Queensland Safer Act. That override declaration will expire for all offences, including the new offences in this bill, five years after 13 December 2024.

I am very conscious of the committee's time. I will close by saying that the new amendments will only apply to offences committed after commencement. I specifically mention that there will be operational implications for a range of departments, not-for-profits, the legal fraternity, and victims' groups and associations. It is too early to model the medium- and long-term impacts. I expect I will get questions on that; I am more than happy to take them.

The bill also makes a minor and technical amendment to the Youth Justice Act to ensure the purpose of the Making Queensland Safer Laws is implemented. This relates to the victims' register. It will ensure that persons who are automatically registered will have the option to nominate someone else to receive information on their behalf so that victims can have control over the way they receive potentially triggering information. That is an important minor amendment. The bill also removes an irrelevant reference in the YJ Act to a repealed section of the Police Powers and Responsibilities Act.

The bill sits as part of a multifaceted approach that includes a range of investments across a whole range of different organisations within government and outside of government. I am very happy to take questions, Chair.

CHAIR: Thank you, Mr Gee. You mentioned the impacts on various agencies and not-for-profits et cetera. What, if any, extra imposts could these amendments have on youth detention centres and their capacity to hold offenders, and is there an upside to that?

Mr Gee: I am going to ask my deputy to comment, too, if that is okay, Chair. For new members of the committee and for those who have not followed closely, in 2018, 17-year-olds were brought into the youth justice system. At the time I was the deputy commissioner of police at the Queensland Police Service and worked very closely with not only the then minister, a member of the committee here today, but also the director-general. It was clear that there were not enough beds for the number of young people who were coming into the system during 2018-19. The Police Service took on an extraordinary effort to work through that, and I think that everyone involved did the very best they could.

On top of that, population growth in this state has been, over that period of time, in my estimation, higher than what we thought would be the population growth, particularly in certain regional areas. When I left Youth Justice in 2020, there were sufficient beds for that period of time. There was no further investment, though, until the Wacol remand centre, which is now open. That has been opened. At the current time, as well, we still have access to the Queensland Police Service Caboolture watch house. We also have investment that commenced prior to this term of government and the previous term of government to start work at Woodford, and there is also work to be done on the potential for a Cairns detention centre.

Having said all of that, it is too early, in the department's view, to model with precision the impact of these laws. It is clear, though, that the intent of the bill—and we are seeing it on the ground in the early days—for young people who are not committing new offences but still committing these offences, is for sentences to be longer. Even though it is very early days, we are seeing already that there are longer sentences. There are more decisions around probation—very small numbers—and our very strong view in the department is it will take 12 months to two years to provide accurate modelling. Simply put, for matters to get to the higher courts, it takes nine to 10 months. I do not want to take up too much time, but essentially what I am saying is that there is a need to keep a close eye on infrastructure and how it is provided.

The intent of this legislation is to make sentences longer. That will have a compounding effect because we are dealing with a relatively small population. There are about 900 young people who move through detention in a year. In terms of beds, the capacity at the moment is 382 as Wacol has come on line. We need to make sure we keep a very close and careful eye on that so that young people are not in watch houses.

As of this morning, there are four young people across the state who are held in watch houses on remand. They are not there because there is a lack of beds; they are there because the courts need them there to appear today or tomorrow. In our estimation, we will be keeping a very close eye on the numbers. With a small population, the compounding effect means there will be more pressure on us to make sure that the infrastructure is provided. Is there anything you wanted to add, Michael?

Mr Drane: No, thank you.

Ms FARMER: Thanks to both of you and for your work in responding to stakeholder submissions. On the matter of youth detention centre capacity—and I note the words you have used today on a number of occasions that you will monitor the impact of these new laws—there are two parts to the question: can you tell us, please, how long it takes to plan and build a youth detention centre should a

new one be required, and what additional investment has been provided by the new government to ensure that capacity is there? Obviously, I am acknowledging that it was the previous government which allocated funding for Wacol, Woodford and Cairns.

Mr Gee: The first thing I would say, if I can go in reverse order, the additional investment that the government made in December to keep Caboolture watch house and to make sure Wacol and other things continued to be funded is publicly available. There is a press release about that and we can provide that out of session, if you like.

Ms FARMER: Sorry, I am talking about additional funding that had not already been allocated?

Mr Gee: Additional funding was allocated in December. In terms of the current budget process, I cannot comment on the current budget process. We are right in the middle of it now. The *Cabinet Handbook* does not allow me to comment on that. I would say, though, that the budget will make it clear where we are investing.

Ms FARMER: Sorry, Chair, I still need the answer to the question about how long it takes to plan and build a youth detention centre.

Mr Gee: Sorry, member, I forgot the first part of the question. It is a double-barrelled question. The first part is how long to plan and build. I am going to ask Michael to comment on that specifically, but it really does depend on the location in which a detention centre could be put. It is far more difficult in more regional areas because of the capacity constraints of the market—

Ms FARMER: Just to assist in the answer, how long will it take from the planning of Woodford to when it is operational, as an example of a current model?

Mr Gee: If we use the most recently opened facility, the Wacol Youth Remand Centre—

Ms FARMER: No, I am asking about Woodford. That is a remand centre; I am asking about a youth detention centre.

Mr Gee: The youth remand centre is a detention centre as a matter of law, and it took from—

Ms FARMER: I am asking about Woodford, please.

CHAIR: Member, please allow Mr Gee to answer the question. He is being responsive to time lines of infrastructure.

Mr Gee: For Wacol, 16 months. For Woodford, 3½ to four years.

Ms FARMER: And Woodford is a detention centre.

Ms MARR: Some submitters have suggested that youth offenders will be locked up for longer and suggests that this does not address the root causes of youth crime. Can you comment further on that, please?

Mr Gee: In a previous committee hearing on the first tranche, there were similar sorts of questions as to any evidence, and I took a number of matters on notice and provided a letter. With the chair's permission, I would not mind tabling that same piece of work, if that is okay.

CHAIR: Leave is granted for that tabling.

Mr Gee: There are just two copies there; I should have brought more. As I understand your question, it is will longer sentences under this bill have an impact on the root causes of crime. In its broader sense, in the perfect world it would be great that there were no young people before the courts; that we had solved all of those issues before they have turned 10.

I have just tabled an article from a leading journal, the *Journal of Experimental Criminology*. The editorial board of that journal includes people like Lawrence Sherman, University of Cambridge; David Weisbrod, George Mason University; and Lorraine Mazerolle, formerly from the University of Queensland—a whole range of eminent people. This piece of research, the article I have tabled, is a meta review around the last 40 years of work that is happening. What is starting to emerge is that there needs to be a multifaceted approach where young people, who are held to account through detention, need to be supported as they not only enter but also exit, and there needs to be behavioural programs put in place. In this state, behavioural programs have been put in place, particularly over the last five to six years, but more are being put in place—exponentially more.

What I am trying to suggest is that evidence is emerging that for young people who have the attributes that we are dealing with—a relatively very small part of the population—they have such mixed chronic, multifaceted issues that the detention and programs they are in—and this article is another part of that evidence—show that the most impact and best effect for rehabilitation and preventing crime is actually occurring within detention centres. From a commonsense perspective, it makes a lot of

sense because they are taken away from their environment and they are given a structured environment where there are lots of programs. But the important point—and this literature points it out, too—is that as young people leave—and the length of the sentence is a matter for the courts and policy—there has to be greater and better effort on making sure that behavioural change programs that occur within detention centres continue to be case managed. There has been a doubling of investment in that space by this government.

Ms MARR: As a follow-up question to that, with regard to that conversation that you have just outlined, does that include early intervention programs? Can you elaborate on that? These children may be in longer, but these are early intervention programs and rehabilitation programs to help them while they are incarcerated; is that correct?

Mr Gee: Yes. I am going to ask Michael to add a few things if that is okay as my voice is going. Apologies for that. We are in tender at the moment for the government's Staying on Track program. It is a $175 million program. It doubles the efforts. There is clear evidence within detention centres that there are already good processes in place, but a doubling of the effort as we move young people back into the community should be applauded. We are still in a tender process. The market and the partners that we will want to work with will need a lot of support. We will not turn this around inside three, six, nine months. There will be great efforts to do that, but incapacitation and then rehabilitation at a detention centre, followed up with good case management and support by the sector to do more is the best evidence-based approach, and I ask the committee to go to other experts in that space, particularly those who are seen as independent. When you get articles with an editorial board that sits there with the most eminent criminologists in the world currently providing advice, I think it should be listened to. I will ask Michael to add a couple of things, if that is ok, Chair.

Mr Drane: Thank you, Director-General. As the Director-General stated, young people in custody typically have not responded to a range of other initiatives, and that is why courts have elected to remand them in custody for community safety. The myriad of offerings in detention is really the subject of our work and that encompasses everything from primary and secondary health assessments, mandatory education through the Detention with Purpose initiative that the government has introduced and mandatory engagement in rehabilitation programs, including change orientated programming. It is fair to say that much of the evidence that some rely on is not contemporary, it belies the analysis of antiquated incapacitation models. As the Director-General said, the department utilises a risk/need responsive framework, so heavily tailored to every young person who enters custody, designed to address the underlying causes of that offending.

Mr BERKMAN: Thanks for your time this morning, gents. I wanted to start with a question about the Expert Legal Panel. In very broad terms, can you tell me how the Expert Legal Panel's advice informed the bill?

Mr Gee: The government set up the Expert Legal Panel. They announced it. The panel did its work independent of the department. The panel provided its advice to the minister. The cabinet considered that advice. The government have made a policy decision. I do not know if I can add any more than that.

Mr BERKMAN: Essentially you are suggesting that the department has not had any direct interaction with the Expert Legal Panel. Is that what I am to take from your answer?

Mr Gee: No, I am not suggesting that. We provided them with a range of publicly available information, statistics, the Childrens Court annual report, the Queensland government stats work, the RoGS data and ABS—everything we could think of. I think there were one or two specific questions on the number of charges around attempted murder, rape and attempted rape that had been publicly reported and provided by us to the media as well. I had an initial meeting and conversation of about 10 to 15 minutes and was expressly clear that I saw their work as independent. We provided a senior officer in a secretariat support role and, to the extent that we could, that work was kept separate from the rest of the department, even down to access to file servers.

Mr BERKMAN: If I understand correctly, the department has been providing support to the Expert Legal Panel but nothing has come back to the department from the ELP other than through cabinet?

Mr Gee: They reported expressly to the minister. The minister made decisions. Of course, the department then would have been involved in providing support to the minister around the cabinet submissions and the whole drafting process. Clearly, it is a matter for the minister and it is a policy issue for government.

Mr FIELD: I just want to clarify what you said before about youths in watch houses, et cetera. There are always comments about how there are not enough facilities to house these youths so they are being remanded in watch houses. You were saying that there will always be youths remanded in watch houses for any particular reason, such as the magistrate or judge wants them back in court the next day, is that right?

Mr Gee: Yes. In a big state like Queensland, I cannot see a day where we will be able to provide a mini detention centre, for want of a better term, across the entire population. It is just not logistically possible. Things have improved dramatically over the 40 years I have been involved and there is always room for improvement. Frankly, if a young person is in Mount Isa or Quilpie, the court may want them remanded until the next day, for example, so that they can get in contact with next of kin, a responsible adult, which may not be easy, or so that they can get some sort of initial assessment for the duty solicitor, or their legal representative, to be able to put together material for an application for bail. They are practical things. It makes no sense—and it would be unfair to the defendant—to fly them to Townsville and expect them to be flown back. It is impractical. I hope that makes sense.

Mr FIELD: Nothing has really changed over the last 10 or 20 years: there have always been youths remanded in watch houses?

Mr Gee: Broadly speaking, the law has not changed. What has changed is 17-year-olds were included in the youth justice system, like every other jurisdiction in Australia, in 2018; the population has grown; the level of violent offending by young people in the last five to six years has become far greater; and the length of stays of young people in detention has become far greater. It is very hard to do this because there is not a lot of independent research but it is clear that the level of abuse and domestic violence, the number of young people with one or more parents already incarcerated and the use of amphetamine, ice and other substances have grown exponentially for a very small cohort. That is what has changed. There are far more young people in detention as a pure number, not as a population rate. Our population has grown so quickly that it has been difficult for the system to provide appropriate infrastructure. Much of the infrastructure is aged. It is a broader system issue.

Ms SCANLON: I understand the department, or government, provided secretariat support to the Expert Legal Panel, and presumably sitting fees, and assisted with the selection process. If any of that is wrong, please let me know. What stakeholders met with, or corresponded with, the Expert Legal Panel and who received their report, which is the basis for this legislation?

Mr Gee: It is a matter for the minister regarding the release of information related to the Expert Legal Panel. Any release would be subject to a discussion, I presume, between the minister and the panel regarding the nature of those arrangements, particularly those made with submitters plus any requirements in the cabinet handbook. I know that, consistent with privacy principles, we did provide a long list of stakeholders for the expert panel to correspond with, write to and contact. How they did that was a matter for them. Our secretariat support obviously arranged transport and facilitated all of those sorts of things.

The work of the panel is ongoing and the materials they have considered may well still be part of a deliberative process. It is open to the minister and government to make further requests to the panel for advice. The panel may or may not be asked by the minister, or government, to provide a report at the conclusion of the process. The current committee process that we are in now, and have been in previously with this part of the legislation, affords all interested stakeholders across the state and elsewhere, frankly, with the opportunity to provide submissions on the bill.

CHAIR: Mr Gee, in relation to submissions on the bill, you provided some comprehensive notes in response to those submissions. I just wanted to draw your attention to one I was reading from the Queensland Aboriginal and Torres Strait Islander Child Protection Peak. On page 8, they give a case study where a 10-year-old Aboriginal and Torres Strait Islander child is persuaded by older peers to drive a stolen car. Under the proposed law, this child could be detained for up to 14 years for a first offence. There are submissions related to angst, I guess, around sentencing of first-time offenders and younger children. Could you comment on the intention of the legislation in terms of repeat offences and what the likely outcome would be for that child?

Mr Gee: In my experience, the first likely outcome for that child would be police pressing charges. That would be the first situation. They could well be dealt with by a caution from police. There are roughly 11,000 matters, from memory, that get dealt with by police and only about 3½ thousand end up before the courts with a proven offence. That is the first part.

There was a point to my opening remarks around what the High Court has said. This bill presents nothing more than a clear piece of legislation that intends to, and will, extend the length of maximum sentences that can be applied to children. They will be treated as adults for those 13 prescribed

offences and then the additional 20 prescribed offences. I understand those concerns. I am a parent—many of us are. There are great safeguards in the system—and I am sorry to those who already know all this, who are admitted lawyers—there is an appeals process and it works. The courts have been very clear in that regard. The issue of proportionality is called out in the explanatory notes and in the statement of compatibility as well.

CHAIR: Just to be clear: nothing in this bill prevents police from cautioning and nothing in this bill directs a court away from the sentencing provisions in the Youth Justice Act that they have to take into consideration? Referring to that example, it would be highly unlikely for that 10-year-old on a first offence to receive a custodial sentence—would you agree with that?

Mr Gee: If I had anything to do with defending that young person I would be appealing if that was the outcome, I can tell you that. The Youth Justice Act still applies. They are children until they are 18. I do not know that I can add any more.

Ms SCANLON: Director-General, on your departmental website there are datasets which were released on a quarterly basis until the end of September. Where are the latest, overdue quarterly data sources and why have they not been published?

CHAIR: Member, can you outline how that is relevant to the bill before us?

Ms SCANLON: Chair, those datasets are critical in understanding the law that went through in the previous bill and how this bill might impact on watch house capacity, detention capacity and the offences that have been chosen.

CHAIR: Just to be clear: what is the dataset you are looking for?

Ms SCANLON: There are multiple datasets that the previous government committed to releasing quarterly and we have seen none of those from this government.

CHAIR: Could you be specific? What are you asking?

Ms SCANLON: There are service standards.

CHAIR: Is it clear to you what she is asking?

Ms SCANLON: I think the director-general probably knows what I am asking.

CHAIR: Director-General, I will allow you to answer.

Mr Gee: I am happy to take the question. For some time, the data system within Youth Justice and the Department of Child Safety has been, frankly, almost obsolete. The former government invested a considerable amount of money and the new system is called Unify. The first release was done. The second release occurred a week before caretaker. Unify still has work to do. It is a work in progress. It was always planned that we would have problems for six to 12 months in terms of publishing data because the system was designed to start afresh and all the algorithms that take the new data for those publications would need to be rewritten. I do not expect us to be in a state to provide the traditional data for at least another six months. Counter to that, though, is that data is available through Queensland Police, the Childrens Court and the government stats office. Frankly, if people ask questions we try to provide as much data as we can.

I note even today's *Courier-Mail* has data that has been released, presumably by the Attorney-General, so the director-general of the Department of Justice would be the appropriate officer. It is early days but on my understanding of that data there has been more than a 30 per cent drop in the number of cases between December and March presented in the Childrens Court for those 13 offences in the first tranche. It is early days, though, and I have already given evidence to this committee three, four, five times that it will take us a considerable period to provide the accurate data which you can model.

Ms SCANLON: The Premier has made an announcement today around particular datasets that we have not seen publicly. Is the director-general saying that those quarterly datasets that the previous government committed to will not be released in the same quarterly fashion?

Mr Gee: What I am saying is that the data that was referred to today and is the subject of a *Courier Mail* article is data held by the Department of Justice.

Ms SCANLON: It is not public?

Mr Gee: Not to my knowledge, no, but I am aware of it. The briefs with the former government were very clear that we would be in this position. It was always going to be a matter of how quickly we could implement Unify. It is a complete remake of a whole system.

Ms SCANLON: But it was a commitment to do it quarterly. Are you saying that it will not be released quarterly under the new government at this point?

Mr Gee: That is a matter for the government. What I can talk about is what the department intends to do. We intend to take any question we can and give as much information out there as we can publicly, but on those verified published statistics that we have been doing quarterly we just cannot at the moment because Unify is not at the state it needs to be.

Ms MARR: As we know, a lot of this crime started as opportunistic crime and for 10 years there were no consequences for those actions. You even stated yourself that some of the offences now are more violent than we have ever experienced before. One offence that is included is going armed in public so as to cause fear. This offence has a maximum term of only two years. Can you talk to us about why such an offence is included in the new tranche of offences?

Mr Gee: Strictly speaking, that is a policy question and a matter for the government in terms of the offences that are in the bill so I cannot comment on that. What I can give you is some data around those types of offences.

With going armed so as to cause fear, on average each year over the last five years there have been about 114 proven offences. I can tell you that, having been a serving police officer and having been in those situations and as a senior commissioned officer and then having served right up to deputy commissioner and having authorised or had the responsibility to authorise the use of force in high-risk incidents, going armed so as to cause fear is something that can escalate very quickly. That situation is high risk. Not every offence in that category is, of course, but it does have high risk.

The additional thing I would say is that at every stakeholder meeting that I have been to and consultation processes with community, for anyone who is connected to community young people walking around with machetes or being armed so as to cause fear is of significant concern—not just the physical risk for everyone in the vicinity but the harm that does to anyone who witnesses it or is therefore involved. It is a great thing in this state that police, health services and other co-responders can respond and have the equipment that they do. They are volatile situations where use of force is at the high end of risk.

I am just trying to provide facts. I am not making a comment on the policy issue of whether or not that offence should be there; that is a matter for government. Clearly, for any serving police officer and any person who has been involved in it, seen it or been a witness to it, the propensity and the risk to the community, through my lived experience, is high.

Ms FARMER: Mr Gee, could you tell me if this statement is correct: not including funding allocated by the former Labor government, no new money has been provided to an organisation yet to deliver rolled-gold early intervention?

CHAIR: Member, that is outside the scope of this bill. It is not to do with this bill.

Ms FARMER: With respect, Chair, a number of the submitters have raised this issue.

CHAIR: Can you repeat the question for me?

Ms FARMER: Is this statement correct: not including funding allocated by the former Labor government, no new money has been provided to an organisation—I say 'provided'—to deliver rolled-gold early intervention?

Mr Gee: I will say this: additional funding has been provided to the department. We could not be in the market and be in a procurement process for Staying on Track, Regional Reset and Kickstarter as part of the Gold Standard Early Intervention program—

Ms FARMER: With respect, Chair, my question was: has it been provided to an organisation yet? I am not talking about an allocation of funding. I am talking about whether it has been provided.

CHAIR: Member, the director-general is being responsive to the question. I ask you to allow him to finish, thank you.

Mr Gee: There is at least one in Rockhampton and one in Townsville. I cannot remember the figures. I think it is $150,000 provided to an organisation in Rockhampton and I will check—

Ms FARMER: Perhaps the director-general could respond on notice? I would be happy with that.

CHAIR: The director-general is being responsive to the question. Please allow him to finish.

Mr Gee: Funding has been provided to at least two organisations, but the vast bulk of that $485 million or half a billion to come is across the forwards—I think it is more than that in the forwards. Over half a billion, of course, is in a tender process at the moment.

Ms FARMER: So we are talking about several hundred thousand that has been allocated to a couple of groups but no money has yet been provided?

CHAIR: Member, I think the director-general has answered that question. It is outside the scope of the bill and I have allowed some latitude there. I think he has been responsive. I will move to the member for Capalaba.

Mr FIELD: Director-General, earlier in your submission you talked about the youth who have been detained and are in detention centres. When they go through the programs, were you saying that the longer that they are there then the better the education and rehabilitation systems available to them?

Mr Gee: I think it is fair to say that for anyone who has been into a detention centre and seen young people whilst they are there and seen the brilliant work that the departments of education and health and our people do together, it is clear that their standard reading age improves exponentially while they are in detention. Their health improves. I think on average, if they are there for 58 days as a stay, they put on weight. They have structured access to a healthy diet and food.

There is a reason I tabled that document. There is an emerging body of evidence to show that, after a decision of the court, if the interventions are right within detention then the rehabilitative programs are having an impact. Importantly, those programs need to be matched when they enter the community. There is no silver bullet to the 10 to 12 or 15 to 16 years of exposure to the environments that these young people have been exposed to. There is an accountability issue. There is an incapacitation impact within detention. Importantly, the right programs are focused on the root causes of their behaviour. Behavioural change, as Michael has spoken to and—the theory is strong and the basis on which we operate and case manage within detention centres is improving, but it is based on a very strong theory that is recognised as best in the western world. That does not mean that it is infallible and that we can turn every young person around, sadly.

Mr BERKMAN: The explanatory notes tells us that the Expert Legal Panel's advice related to offences 'that cause most harm to individuals and to the community more broadly'. Beyond that we heard from the minister that the panel reviewed and analysed crime data case law and harm indexes. I am curious specifically about those. Can you tell us what are harm indexes and how did the panel use them?

Mr Gee: Thanks for the question; it is a very good question. Forgive me if I go on a bit. I will try to be very succinct. There are a range of harm indexes that have been developed across the world. In Australia, the leading one is with the ABS. It is called the ABS National Offence Index. It is a ranking of offences from 1 for the most serious to 157 for the least serious. They are designed to try to take the very complex nature of the many thousands of offences that exist and to categorise them into a sense of risk around harm—harm to an individual whether personal, physical or psychological but also harm to property and then the community generally.

What you find in indexes, generally speaking, is that the lower level traffic-type offences and public nuisance offences are at the very bottom. At the very top is murder and serious child sex offending. There is also work being done in Queensland. It is not a formal harm index, but I am aware that Griffith University published a considerable body of work—it is available—around a harm index. They worked with the Police Service at the time. I think that is probably about 10 years ago. It was a three- to four- or five-year program of work. To my knowledge, it was never adopted as government policy but it is a significant piece of literature that, in my view, should be examined. They did a whole range of work around listening to community and getting the community's views around harm indexes and the community's view of harm. They are a well-established tool that anyone in criminology has a great deal of time and respect for. They are essentially trying to codify and bring simplicity to the complex issue of victimisation but, frankly, if you are the victim then talking about a harm index does not help.

Mr BERKMAN: No. To ask a quick follow up, I am very mindful of time so this might be a question, if you can answer it, best taken on notice. Of the 20 offences that are included in this latest tranche of Adult Crime, Adult Time, are you able to provide the committee with a tally, if you will, or a summary of the number of young people who committed those offences for each of the past 10 years?

Mr Gee: Yes, Chair, I can take that on notice. I have it right in front me of. I could do it very quickly.

Mr BERKMAN: I would be loath to spend the remaining time—

CHAIR: If you could perhaps comment, Mr Gee, without going through every statistic.

Mr Gee: They range from going armed so as to cause fear—frankly, I can take it on notice, Chair, if that is okay?

CHAIR: Take that on notice, thank you.

Mr Gee: To make sure, you are chasing the number of offences for the offences that are listed?

Mr BERKMAN: If we could get each of the 20 offences for each of the last 10 years—

Mr Gee: Five years, if that is okay? Prior to that would be including 17-year-olds and 18-year-olds.

CHAIR: Let's go with five years, member, as it will skew the figures, as the director-general said, because there was a change.

Mr BERKMAN: If 10 years is available, we are all aware of the inclusion of 17-year-olds so I am perfectly happy with that.

Mr Gee: I will do my very best.

CHAIR: Thank you, Mr Gee. Obviously, these offences are being added to that section and there is an override provision for human rights in that section. Can you comment on the necessity to have that override of the human rights as defined in the Human Rights Act?

Mr Gee: Frankly, the human rights override that applied in the first tranche applies in the second; I could not be any more simplistic than that. The 13 original offences, between them, involve five different forms of mandatory sentencing. They are listed on pages 3 and 4 of the statement of compatibility. Of course, they are mandatory life with lengthy non-parole periods for murder; mandatory 15 years non-parole when sentenced to life for other offences; a mandatory minimum of 80 per cent or 15 years, whichever is less, if sentenced to detention for unlawful striking causing death; mandatory detention as part of the whole punishment for the dangerous operation of a vehicle with a previous conviction of mandatory community service for certain offences.

The only mandatory component in sentencing for the new offences in this bill is the second of those, the 15-year minimum non-parole period where a court sentences a young person to life. In those cases, consideration of the child's best interests will not form part of the court's consideration of the appropriate non-parole portion of a life sentence. The amendments, therefore, impose limitations to the right to liberty and the right of the child to protection in their best interests. Life offences include attempted murder, rape, certain sexual assaults, attempted robbery with violence, arson and drug trafficking. Off the top of my head, I think there are about eight offences each year for drug trafficking on average over the last five years.

CHAIR: Is that for young people?

Mr Gee: Yes.

CHAIR: We did start a little late so I will allow an extra few minutes.

Ms SCANLON: Director-General, has modelling been undertaken on detention capacity impacts as a result of this bill?

Mr Gee: I am not at liberty to divulge anything that would be part of the budget process. I think it would be naive to suggest that any department did not model, and I have said this many times in this environment. We continue to model, but that modelling, of course, generally ends up within a budget process.

Ms SCANLON: Certainly, Director-General. My question is not that you release that modelling necessarily, although we would appreciate that. My question is has modelling been completed on detention capacity as a result of this bill? It is a simple yes or no.

Mr Gee: It is not a simple yes or no answer. Whilst I am around, we model every day the impacts of what is happening.

Ms SCANLON: These are new laws. Surely the department—

CHAIR: Member, I have allowed some latitude for the director-general to answer it in any way he sees fit, but it is outside the scope of the bill. I will move to the member for Thuringowa.

Ms MARR: You did mention earlier that this government has made a significant investment into early intervention programs like Regional Reset and Staying on Track. They either have not started or they are still out for tender. In the meantime, what supports are now offered to youth offenders in custody or who have been sentenced to detention before these programs can actually take effect?

Mr Gee: Thank you, member. I will ask my deputy to answer that.

Mr Drane: Specifically, as I mentioned earlier, the government's Detention with Purpose policy was announced. There are three limbs to that policy position: consequences for action; mandatory engagement in education programs; and better behaviour management policies within detention. It is the case that every single young person who enters custody in a detention centre is assessed for a range of needs. That includes health needs, including primary health and mental health, education, numeracy and literacy levels, and any underlying disability or cognitive impairment et cetera so the three agencies that work in those detention centres can target an individualised plan to address the underlying causes of that young person's offending behaviour. We have done that work quickly and intentionally because we know, as the director-general said—and the evidence tells us—that it is really important that that intervention with each young person occurs, particularly whilst we have them absent from a whole range of risk factors while they are in custody and there is structure around them. We have done that work intentionally to align with the Staying on Track initiative which, as you say, is currently out for tender. I think the tenders close today. That work is deliberate in the sense that we need to ensure there is a good 12 months of follow-up intensive case management and continuity of that intervention and supports when young people leave custody. That is the intention of the work. I hope that answers your question.

Ms MARR: My question related to the programs we still have coming and youths not being left behind in the process, and you have covered that so thank you.

CHAIR: That concludes this public briefing. Thank you to everyone who participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. There was one question taken on notice. Your response will be required by 10 am Thursday, 1 May so we can include that in our deliberations. I declare this public hearing closed.

The committee adjourned at 11.18 am.